

# House Study Bill 666

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1 1 Section 1. Section 622.10, subsection 3, paragraph d, Code  
1 2 2005, is amended to read as follows:  
1 3 d. Any physician or surgeon, physician assistant, advanced  
1 4 registered nurse practitioner, or mental health professional  
1 5 who provides records or consults with the counsel for the  
1 6 adverse party shall be entitled to charge a reasonable fee for  
1 7 production of the records, diagnostic imaging, and  
1 8 consultation. Any party seeking consultation shall be  
1 9 responsible for payment of all charges. ~~The fee for copies of~~  
~~1 10 any records shall be based upon actual cost of production.~~  
1 11 Upon written request from a party or a party's representative  
1 12 accompanied by a legally sufficient patient's waiver, copies  
1 13 of the requested records or diagnostic images shall be  
1 14 provided to the party or the party's representative within  
1 15 thirty days of receipt of the written request. A fee shall be  
1 16 charged for the cost of producing such copies but the fee  
1 17 shall not exceed the following:  
1 18 (1) For printed or photocopied records, twelve cents per  
1 19 single-sided page or seventeen cents per double-sided page  
1 20 based upon a page measuring eight and one-half inches by  
1 21 eleven inches or less.  
1 22 (2) For x-rays, diagnostic images, photographs, or other  
1 23 graphic image records, the actual cost of materials and  
1 24 supplies used to produce the copies of such images or ten  
1 25 dollars per item, whichever is less.  
1 26 (3) For electronically scanned or produced records, the  
1 27 actual cost of the materials and supplies incurred in  
1 28 producing the records, or five dollars, whichever is less.  
1 29 (4) If applicable, reasonable and actual costs of postage  
1 30 or delivery charges.  
1 31 Fees charged pursuant to this subsection are not subject to  
1 32 a sales or use tax. A physician or surgeon, physician  
1 33 assistant, advanced registered nurse practitioner, or mental  
1 34 health professional may require payment in advance if the  
1 35 copies are requested in writing and fees are itemized.

2 1 EXPLANATION  
2 2 This bill relates to a request for certain health records  
2 3 by a party in a civil action where a party's health condition  
2 4 is an element or factor in the claim or defense of the action.  
2 5 The bill provides that upon written request from a party or  
2 6 a party's representative accompanied by a legally sufficient  
2 7 patient's waiver, copies of requested health care records or  
2 8 diagnostic images of a party in a civil action shall be  
2 9 provided by a physician or surgeon, physician assistant,  
2 10 advanced registered nurse practitioner, or mental health  
2 11 professional to the party or the party's representative within  
2 12 30 days of receipt of the written request. A fee shall be  
2 13 charged for the cost of producing such copies, but the fee  
2 14 shall not exceed certain amounts depending upon the nature of  
2 15 the record and the production costs involved. The bill also  
2 16 provides that, if applicable, reasonable and actual costs of  
2 17 postage or delivery charges shall be allowed.  
2 18 The bill provides that fees charged are not subject to a  
2 19 sales or use tax. A physician or surgeon, physician  
2 20 assistant, advanced registered nurse practitioner, or mental  
2 21 health professional may require payment in advance if the  
2 22 copies are requested in writing and fees are itemized.  
2 23 LSB 6218HC 81  
2 24 rh:nh/je/5